

# HOUSE BILL No. 1070

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-18-2-1; IC 9-24.

**Synopsis:** Driver's licenses, permits, and identification. Makes certain changes concerning the contents of and application procedure for a driver's license, learner's permit, or identification card to comply with federal law, and provides that a driver's license held by a noncitizen expires after one year or on the date the noncitizen is no longer permitted to lawfully reside in the United States. Requires that an application for a driver's license, permit, or identification card by a person who does not have a Social Security number include: (1) a verification of the applicant's ineligibility for a Social Security number; and (2) a verification of the applicant's identity and lawful status. Permits the bureau to temporarily invalidate a motor vehicle registration, license, permit, or identity card if the bureau believes that the registration, license, permit, or identification card was issued based on fraudulent documentation. Specifies that a person may not simultaneously possess a valid driver's license and valid identification card. Makes other changes and conforming amendments.

**Effective:** July 1, 2006.

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**Noe, Ruppel**

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January 12, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## HOUSE BILL No. 1070

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 9-13-2-48 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 48. "Driver's license"  
3       means any type of license ~~or privilege to operate a motor vehicle issued~~  
4       ~~under the laws of a jurisdiction:~~ **issued by the state authorizing an**  
5       **individual to operate a motor vehicle on public streets, roads, or**  
6       **highways.**

7       SECTION 2. IC 9-13-2-74.5 IS ADDED TO THE INDIANA CODE  
8       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
9       1, 2006]: **Sec. 74.5. "Identification card" means an identification**  
10      **document issued by a state government for purposes of**  
11      **identification.**

12      SECTION 3. IC 9-18-2-1 IS AMENDED TO READ AS FOLLOWS  
13      [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Within sixty (60) days of  
14      becoming an Indiana resident, a person must register all motor vehicles  
15      owned by the person that:

- 16          (1) are subject to the motor vehicle excise tax under IC 6-6-5; and  
17          (2) will be operated in Indiana.



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(b) Within sixty (60) days after becoming an Indiana resident, a person must register all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(c) A person must produce evidence concerning the date on which the person became an Indiana resident.

(d) Except as provided in subsection (e), an Indiana resident must register all motor vehicles operated in Indiana.

(e) An Indiana resident who has a legal residence in a state that is not contiguous to Indiana may operate a motor vehicle in Indiana for not more than sixty (60) days without registering the motor vehicle in Indiana.

(f) An Indiana resident who has registered a motor vehicle in Indiana in any previous registration year is not required to register the motor vehicle, is not required to pay motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5 on the motor vehicle, and is exempt from property tax on the motor vehicle for any registration year in which:

(1) the Indiana resident is:

- (A) an active member of the armed forces of the United States; and
- (B) assigned to a duty station outside Indiana; and

(2) the motor vehicle is not operated inside or outside Indiana.

This subsection may not be construed as granting the bureau authority to require the registration of any vehicle that is not operated in Indiana.

(g) When an Indiana resident registers a motor vehicle in Indiana after the period of exemption described in subsection (f), the Indiana resident may submit an affidavit that:

- (1) states facts demonstrating that the motor vehicle is a motor vehicle described in subsection (e); and
- (2) is signed by the owner of the motor vehicle under penalties of perjury;

as sufficient proof that the owner of the motor vehicle is not required to register the motor vehicle during a registration year described in subsection (f). The commission or bureau may not require the Indiana resident to pay any civil penalty or any reinstatement or other fee that is not also charged to other motor vehicles being registered in the same registration year.

**(h) The bureau may temporarily invalidate a motor vehicle**

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1 registration that it believes to have been issued as a result of  
 2 fraudulent documentation. The bureau may adopt rules under  
 3 IC 4-22-2 to establish a procedure to temporarily invalidate a  
 4 license or permit that it believes to have been issued based on  
 5 fraudulent documentation.

6 SECTION 4. IC 9-24-9-2, AS AMENDED BY P.L.123-2005,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2006]: Sec. 2. **(a) Before January 1, 2007**, each application  
 9 for a license or permit under this chapter must require the following  
 10 information:

11 (1) The name, date of birth, sex, Social Security number, and  
 12 mailing address, and, if different from the mailing address, the  
 13 residence address of the applicant. The applicant shall indicate to  
 14 the bureau:

15 (A) which address the license or permit shall contain; and

16 (B) whether the Social Security number or another  
 17 distinguishing number shall be the distinctive identification  
 18 number used on the license or permit.

19 (2) Whether the applicant has been licensed as an operator, a  
 20 chauffeur, or a public passenger chauffeur or has been the holder  
 21 of a learner's permit, and if so, when and by what state.

22 (3) Whether the applicant's license or permit has ever been  
 23 suspended or revoked, and if so, the date of and the reason for the  
 24 suspension or revocation.

25 (4) Whether the applicant has been convicted of a crime  
 26 punishable as a felony under Indiana motor vehicle law or any  
 27 other felony in the commission of which a motor vehicle was  
 28 used.

29 (5) Whether the applicant has a physical or mental disability, and  
 30 if so, the nature of the disability and other information the bureau  
 31 directs.

32 The bureau shall maintain records of the information provided under  
 33 subdivisions (1) through (5).

34 **(b) After December 31, 2006, each application for a license or**  
 35 **permit under this chapter must require the following information:**

36 (1) **The full legal name of the applicant.**

37 (2) **The applicant's date of birth.**

38 (3) **The gender of the applicant.**

39 (4) **The applicant's height, weight, hair color, and eye color.**

40 (5) **The principal address and mailing address of the**  
 41 **applicant.**

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(A) valid Social Security number; or

(B) verification of an applicant's:

(i) ineligibility to be issued a Social Security number; and

(ii) identity and lawful status.

(7) Whether the applicant has been licensed as an operator, a chauffeur, or a public passenger chauffeur or has been the holder of a learner's permit, and if so, when and by what state.

(8) Whether the applicant's license or permit has ever been suspended or revoked, and if so, the date of and the reason for the suspension or revocation.

(9) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(10) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

The bureau shall maintain records of the information provided under subdivisions (1) through (10).

(c) The bureau may temporarily invalidate a license or permit that it believes to have been issued as a result of fraudulent documentation.

(d) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules under IC 4-22-2 to establish a procedure to temporarily invalidate a license or permit that it believes to have been issued based on fraudulent documentation.

SECTION 5. IC 9-24-11-5, AS AMENDED BY P.L.123-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A permit or license issued under this chapter must bear the distinguishing number assigned to the permittee or licensee, and must contain the following information:

(1) The full legal name of the permittee or licensee.

(2) The date of birth of the permittee or licensee.

(3) The mailing address or of the principal residence address of the permittee or licensee.

(4) a brief description The hair color and eye color of the permittee or licensee.

(5) The date of issue and expiration date of the permit or license.

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(6) The gender of the permittee or licensee.

(7) The unique identifying number of the permit or license.

(8) The weight of the permittee or licensee.

(9) The height of the permittee or licensee.

(10) A reproduction of the signature of the permittee or licensee.

~~(5)~~ (11) If the permittee or licensee is less than eighteen (18) years of age at the time of issuance, the dates on which the permittee or licensee will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

~~(6)~~ (12) If the permittee or licensee is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the permittee or licensee will become twenty-one (21) years of age. ~~and~~

~~(7)~~ (13) Except as provided in subsection ~~(c)~~ (b) or (c), for the purpose of identification, a:

(A) photograph; or

~~(B)~~ computerized image; **a digital photograph** of the permittee or licensee.

and additional information that the bureau considers necessary, including a space for reproduction of the signature of the permittee or licensee. If the permittee or licensee has not indicated to the bureau under IC 9-24-9-2 that the Social Security number shall be the distinguishing number to be used, the Social Security number may not be shown on the permit or license:

(b) In carrying out this section, the bureau shall obtain the equipment necessary to provide the photographs and computerized images for permits and licenses as provided in subsection (a):

~~(c)~~ (b) The following permits or licenses do not require a **digital photograph**: ~~or computerized image~~:

(1) Temporary motorcycle learner's permit issued under IC 9-24-8.

(2) Motorcycle learner's permit issued under IC 9-24-8.

~~(3) Operator's license reissued under IC 9-24-12-6.~~

~~(d)~~ (c) The bureau may provide for the omission of a photograph or computerized image from any other license or permit if there is good cause for the omission. **However, a license issued without a photograph or computerized image must include the language described in subsection (f).**

~~(e)~~ (d) The information contained on the permit or license as required by subsection ~~(a)(5)~~ (a)(11) or ~~(a)(6)~~ (a)(12) for a permittee

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or licensee who is less than twenty-one (21) years of age at the time of issuance shall be printed ~~perpendicular to the bottom edge of~~ **prominently on** the permit or license.

~~(f)~~ **(e)** This subsection applies to a permit or license issued after June 30, 2006, and before July 1, 2011. At the request of the permittee or licensee and if the permittee or licensee provides documentation from a medical laboratory or a blood center (as defined in IC 16-41-12-3), the bureau shall include the permittee's or licensee's blood type, including the rhesus (Rh) factor with the information required by subsection (a) on the permit or license. The permittee or licensee is responsible for the accuracy of the blood type information submitted under this subsection.

**(f) Any license or permit issued by the state that does not require a digital photograph must include the statement "May not be accepted by any federal agency for federal identification or any other federal purpose."**

**(g) A license or permit issued by the state to a person who is not a citizen of the United States must be clearly identified as a temporary license or permit.**

SECTION 6. IC 9-24-12-1, AS AMENDED BY P.L.210-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in ~~subsection~~ **subsections** (b) and **(d) and** section 10 of this chapter, an operator's license issued under this article ~~after December 31, 1996, and before~~ January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in section 10 of this chapter, an operator's license issued ~~after December 31, 1996,~~ to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in ~~subsection~~ **subsections** (b) and **(d)** and section 10 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

**(d) An operator's license issued under this article after June 30, 2007, to an applicant who is not a citizen of the United States expires:**

**(1) on midnight of the date that the holder's authorization to be a:**

**(A) legal permanent resident; or**

**(B) conditional resident alien;**

**of the United States expires, if the holder's authorization**

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1 specifies a particular expiration date; or  
 2 (2) not later than one (1) year after the date of issue if the  
 3 holder's authorization to be a:  
 4 (A) legal permanent resident; or  
 5 (B) conditional resident alien;  
 6 of the United States does not specify a particular expiration  
 7 date.

8 SECTION 7. IC 9-24-12-4 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The application for  
 10 renewal of:

- 11 (1) an operator's license;
- 12 (2) a motorcycle operator's license;
- 13 (3) a chauffeur's license;
- 14 (4) a public passenger chauffeur's license; or
- 15 (5) an identification card;

16 under this article may be filed not more than ~~six (6)~~ **twelve (12)** months  
 17 before the expiration date of the license or identification card held by  
 18 the applicant.

19 SECTION 8. IC 9-24-16-2 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) Before January**  
 21 **1, 2007**, an application for an identification card issued under this  
 22 chapter must meet the following conditions:

- 23 (1) Made upon an approved form provided by the bureau, which  
 24 shall include the mailing address, and if different from the  
 25 mailing address, the residence address of the applicant.
- 26 (2) Verified by the applicant before a person authorized to  
 27 administer oaths and affirmations.

28 **(b) After December 31, 2006, an application for an identification**  
 29 **card issued under this chapter must require the following**  
 30 **information concerning an applicant:**

- 31 (1) The full legal name of the applicant.
- 32 (2) The applicant's date of birth.
- 33 (3) The gender of the applicant.
- 34 (4) The applicant's height, weight, hair color, and eye color.
- 35 (5) The principal address and mailing address of the
- 36 applicant.
- 37 (6) A:
- 38 (A) valid Social Security number; or
- 39 (B) verification of an applicant's:
- 40 (i) ineligibility to be issued a Social Security number; and
- 41 (ii) identity and lawful status.

42 The bureau shall maintain records of the information provided

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under subdivisions (1) through (6).

(c) The bureau may temporarily invalidate an identification card that it believes to have been issued as a result of fraudulent documentation.

(d) The bureau:

(1) shall adopt rules under IC 4-22-2 to establish a procedure to verify an applicant's identity and lawful status; and

(2) may adopt rules to establish a procedure to temporarily invalidate an identification card that it believes to have been issued based on fraudulent documentation.

SECTION 9. IC 9-24-16-3, AS AMENDED BY P.L.123-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) The front side of an identification card must contain the following information about the individual to whom the card is being issued:

(1) Full legal name.

(2) ~~Mailing address and, if different from the mailing address, The address of the principal residence.~~ address.

(3) Date of birth.

(4) Date of issue and date of expiration.

(5) ~~Distinctive Unique~~ identification number. ~~or Social Security number; whichever is requested by the individual. If the individual has not requested that the Social Security number be the distinctive identification number to be used, the Social Security number may not be shown on the identification card.~~

(6) ~~Sex.~~ Gender.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

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1           (14) **Digital photograph or computerized image of the**  
 2           **individual.**

3           (c) The information contained on the identification card as required  
 4 by subsection (b)(12) or (b)(13) for an individual who is less than  
 5 twenty-one (21) years of age at the time of issuance shall be printed  
 6 ~~perpendicular to the bottom edge of~~ **prominently on** the permit or  
 7 license.

8           (d) This subsection applies to an identification card issued after  
 9 June 30, 2006, and before July 1, 2011. At the request of an applicant  
 10 for an identification card, and if the applicant for the identification card  
 11 provides documentation from a medical laboratory or a blood center (as  
 12 defined in IC 16-41-12-3), the bureau shall include the applicant's  
 13 blood type, including the rhesus (Rh) factor with the information  
 14 required by subsection (b) on the identification card. The applicant is  
 15 responsible for the accuracy of the blood type information submitted  
 16 under this subsection.

17           **(e) An identification card issued by the state to a person who is**  
 18 **not a citizen of the United States must be clearly identified as a**  
 19 **temporary identification card.**

20           SECTION 10. IC 9-24-16-5, AS AMENDED BY P.L.210-2005,  
 21 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2006]: Sec. 5. (a) An application for renewal of an  
 23 identification card may be made not more than ~~six (6)~~ **twelve (12)**  
 24 months before the expiration date of the card. A renewal application  
 25 received after the date of expiration is considered to be a new  
 26 application.

27           (b) A renewed card issued:

28           (1) before January 1, 2006, becomes valid on the birth date of the  
 29 holder and remains valid for four (4) years; and

30           (2) after December 31, 2005, is valid on the birth date of the  
 31 holder and remains valid for six (6) years.

32           ~~(c) If renewal has not been made within six (6) months after~~  
 33 ~~expiration, the bureau shall destroy all records pertaining to the former~~  
 34 ~~cardholder.~~

35           ~~(d) Renewal may not be granted if the cardholder was issued a~~  
 36 ~~driver's license subsequent to the last issuance of an identification card.~~

37           **(c) A person may not possess a valid driver's license and valid**  
 38 **identification card simultaneously. The bureau may invalidate a**  
 39 **person's identification card if the bureau issues the person a**  
 40 **driver's license. If a person's driver's license is seized, suspended,**  
 41 **or revoked, the bureau may issue the person an identification card.**

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